

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

SOUTHERN COAL SALES CORP.,

Plaintiff,

vs.

XCOAL ENERGY & RESOURCES,
XCOAL ENERGY & RESOURCES LLC,
and ERNIE L. THRASHER,

Defendants.

Miscellaneous No. 12-418

Relates to Action No. 7:12-cv-265 Pending
in the United States District Court for the
Western District of Virginia, Roanoke
Division

ORDER OF COURT

Upon consideration of Defendants' Motion to Withdraw Motion to Quash Non-Party Subpoena to Rosebud Mining Company or, in the Alternative, for Protective Order (Ecf. No. 1), it is hereby ORDERED that Defendants' Motion is withdrawn without prejudice to re-file at a later date. The clerk shall mark this case closed.

DATED this 16th day of November, 2012.

/s/ Joy Flowers Conti

United States District Judge